

#300022297

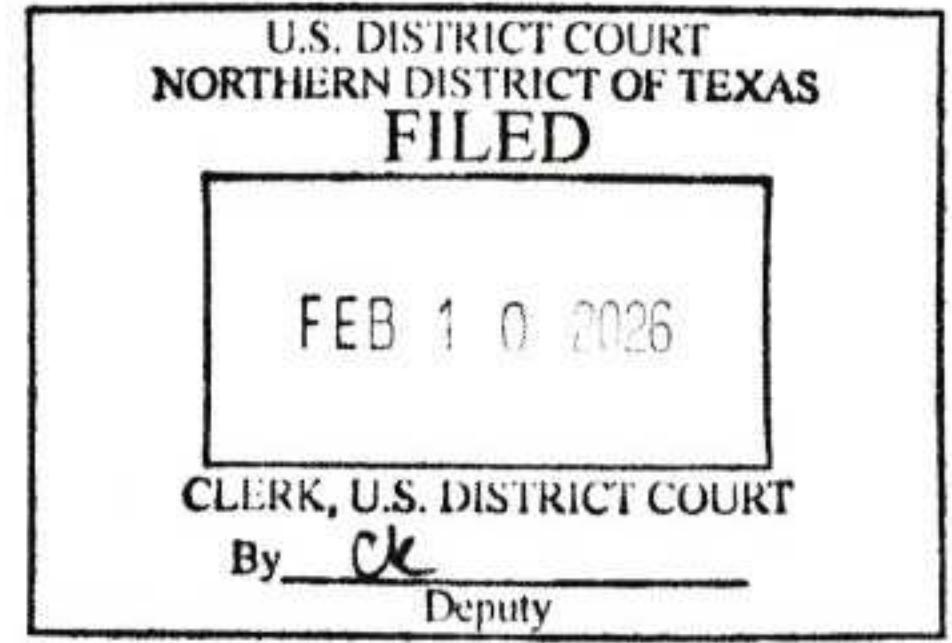
**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

LANG THANH DO,
Petitioner

Case No.

3-26-cv-348-X

**MARY DE ANDA-YBARRA, Director of the EL PASO
ERO Field Office, U.S. Immigration and Customs
Enforcement;
TODD LYONS, Acting Director of the U.S.
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the U.S. Department
of Homeland Security; and
PAMELA BONDI, Attorney General of the United
States, in their official capacities,
Respondents.**



PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT To 28 U.S.C. 2241

INTRODUCTION

1. Respondents have unlawfully held Petitioner, LANG Thanh DO, in immigration detention at the Department of Homeland Security's Texas Field Office in Eden, Texas since July 22, 2025, even though the federal government has no significant likelihood of removing him from the United States.
2. After the Vietnam War, Mr. DO fled Vietnam and entered the United States as a refugee and adjusted his status to Lawful Permanent Residence (RE8) as of November 23, 1990.
3. On December 09, 2003, an Immigration Judge issued a removal order designating Mr. DO's removal to Vietnam based on a prior criminal conviction in Provincial Court at Toronto, Ontario.
4. Over the decades, INS and ICE have not been able to procure travel documents for Mr. DO's repatriation to Vietnam but have kept him in prolonged detention.

5. Mr. DO was last released on October 2003 on an Order of Supervision ("OSUP") over two decades ago.
6. Since his last release over two decades ago, Mr. DO has not violated the terms of his OSUP.
7. Most recently, the government revoked Mr. DO's release on OSUP and detained Mr. DO for the purpose of removing him.
8. ICE has not shown that travel documents for Vietnam have been issued.
9. ICE has not shown that Mr. DO is a risk of flight or a danger to the community prior to additional detainment.
10. ICE has not shown that Mr. DO was not in compliance with his current OSUP.
11. Because Mr. DO's recent detention is not tied to any foreseeable removal or to ensure that Mr. DO does not flee or pose a danger to the community prior to such removal, Mr. DO's current detention violates 8 U.S.C. 1231(a)(6) and the Fifth Amendment of the United States Constitution. Accordingly, Mr. DO is entitled to an order requiring his immediate release and enjoining Respondents from re-detaining him unless his removal is reasonably foreseeable.

JURISDICTION & VENUE

12. The Court has jurisdiction under 28 U.S.C. 2241 and Article I, Section 9, Clause 2 of the U.S. Constitution ("Suspension Clause"), as Petitioner is currently in custody under color of the authority of the United States in violation of the Constitution, laws, or treaties thereof.
13. Venue lies in the U.S. District of Texas because Petitioner is currently detained at the Eden Field Office in Eden, Texas and a substantial part of the events or omissions giving rise to his claims occurred in Texas. 18 U.S.C. §§1391, 2241.

PARTIES

14. Petitioner DO is a resident of Texas who arrived at the United States as a refugee and who is presently being detained for immigration purposes at the direction of the Department of Homeland Security's ICE office.
15. Respondent Anda-Ybarra is the Field Director of the Texas Field Office, U.S. Immigration and Customs Enforcement and is being sued in his official capacity.
16. Respondent Lyons is the Acting Director of the U.S. Immigration and Customs Enforcement and is being sued in his official capacity.
17. Respondent Noem is the Secretary of the U.S. Department of Homeland Security and is being sued in her official capacity.
18. Respondent Bondi is the Attorney General of the United States and is being sued in her official capacity.

FACTS

19. Mr. DO was born in Dong Nai, Vietnam and is currently 51 years old. He is a husband and father of U.S. citizen wife and two children.
20. In early 1990, Mr. DO left Vietnam as a refugee after the Vietnam War.
21. In 1990, Mr. DO lawfully entered the U.S. as a refugee.
22. Mr. DO later adjusted his status as a Legal Permanent Resident on November 23, 1990.
23. On December 09, 2003, Mr. DO was ordered removed by an Immigration Judge in New York due to a prior 2002 Toronto, Ontario criminal conviction. Vietnam was designated as the country of removal.
24. After Mr. DO removal order, INS was unable to repatriate him during his initial detainment.

25. On October 30, 2003, Mr. DO was released from INS custody on an Order of Supervision ("OSUP").
26. While he was in ICE custody, the U.S. government was unable to obtain travel documents from the Embassy of the Socialist Republic of Vietnam.
27. During this period, INS was unable to obtain any travel documents from the Embassy of the Socialist Republic of Vietnam on behalf of Mr. DO.
28. The 2008 repatriation agreement signed between the U.S. and Vietnamese repatriation did not have a provision to accept any individuals, like Mr. DO, with a removal order who came to the U.S. before July 12, 1995.
29. Although the Vietnamese and U.S. Government signed a 2020 Memorandum of Understanding to allow for repatriation for certain individuals with removal orders who arrived in the U.S. before 1995, ICE has not shown that Mr. DO is one of the individuals eligible for repatriation.
30. Since his last release over two decades ago, Mr. DO has no recent criminal convictions and has remained compliant with his OSUP terms. Most recently, he was checking in with ICE on at least a yearly basis virtually.
31. Since his last release over a decade ago, Mr. DO has supported his U.S. citizen wife and two children.
32. Since his last release over two decades ago, Mr. DO has worked steadily in the beauty industry and is the owner of L & M Nails and Spa an established high-end nail salons owned and operating since October 2004.
33. Since his last release over two decades ago, ICE has failed to procure travel documents from the Embassy of the Socialist Republic of Vietnam or effect his removal to Vietnam.
34. Mr. DO attended his in-person check-in to the Dallas, Texas office on July 22, 2025.

35. At his check-in, Mr. DO was detained without any warning for the purpose of effecting his removal to Vietnam.
36. While in custody Mr. DO was issued a Warning for Failure to Part at Dallas, Texas service location.
37. An Instruction Sheet to Detainee Regarding Requirement to Assist in Removal was given to Mr. DO informing of proceeding to initiate the process of requesting a Vietnamese passport, even though ICE has not indicated that the Government of Vietnam had found Mr. DO eligible for repatriation.
38. On or about October 2025 Mr. Do was due for his 90 days a Notice to Alien of File Custody Review and on or about January 2026 Mr. DO is due for his 180 days custody status review.
39. At this time, there is still no indication of status on the 90- days or 180- days Custody Review.
40. At this time, there is still no indication that travel documents to Vietnam have been issued or that the Government of Vietnam has found Mr. DO eligible for repatriation.
41. At this time there is no indication of the issuance of a travel document and ICE has not indicated that the Government of Vietnam has found Mr. DO eligible for repatriation.
42. Mr. DO temporarily remains at the Texas Field Office in Eden, Texas until ICE can transfer him to another facility.
43. At the time of his detainment, Mr. DO does not have access to his daily medications and experienced physical symptoms of his illnesses as a result.
44. At this time, Mr. DO is being detained without charge and withheld of due process in deplorable conditions.
45. At this time, Mr. Do is facing prolonged and unlawful detention.
46. At this time, Mr. Do unlawful detainment is a violation of his Constitutional Rights and go against the Fifth Amendment, Sixth Amendment, and Fourteenth Amendment

Exhibit 1, and the allegations therein are incorporated hereto by reference — in satisfaction of the requirements of United States Code Title 28, Sections 2242 and 1746.

FIRST CAUSE OF ACTION - UNLAWFUL DETENTION IN VIOLATION OF 8 U.S.C. SECTION 1231(a,)

48. The foregoing allegations are realleged and incorporated herein.

49. Mr. DO is currently in the custody of the Respondent under or by color of the authority of the United States, based on his detainment at the ICE Eden Field Office in Texas.

50. Mr. DO's detention violates 8 U.S.C. SS 1231.

51. Mr. DO is being detained for immigration purposes when ICE knows that it cannot affect his prompt removal from the United States, that Mr. DO is neither a flight risk nor a danger, and that he has not violated conditions of his OSUP or ISAP. Thus, ICE has no permissible basis for depriving Mr. DO of his liberty, in violation of 8 U.S.C. § 1231(a) as well as their respective implementing regulations. A judicial order requiring Mr. DO's release from custody would remedy Respondent's unlawful conduct.

SECOND CAUSE OF ACTION- UNLAWFUL DETENTION

IN VIOLATION OF U.S. CONSTITUTION FIFTH AMENDMENT

52. The foregoing allegations are realleged and incorporated herein.

53. Mr. DO is currently in the custody of the Respondent under or by color of the authority of the United States, based on his detainment at the ICE TEXas Field Office in Eden.

54. Mr. DO's detention violates the U.S. Constitution.

55. Mr. DO is being detained for immigration purposes when ICE knows that it cannot effect his prompt removal from the United States, that Mr. DO is neither a flight risk nor a danger and that

depriving Mr. DO of his liberty, in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

56. A judicial order requiring Mr. DO's release from custody would remedy Respondent's unlawful conduct.

REQUEST FOR ORAL ARGUMENT

57. Mr. DO respectfully requests oral argument on this Petition.

PRAYER FOR RELIEF

Wherefore, Mr. DO respectfully requests that the Court:

- A. Order Respondent to immediately release Mr. DO from DHS custody;
- B. Order that Respondents provide the Court and Mr. DO's friend with at least two days' notice prior to any removal from Texas;
- C. Award Petitioner fees and costs pursuant to the Equal Access to Justice Act, and on any other basis justified under the law; and
- D. Grant such other relief that is deemed just and proper by the Court.

Respectfully submitted,

LANG THANH DO,

Dated: February 1, 2026

By his friend,



Desiree Thien
54 Union Street
Quincy, MA 02169

desireethien@yahoo.com

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I represent Petitioner, LANG Thanh DO, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 1st day of February, 2026.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

LANG THANH DO,
Petitioner

Case No.

**MARY DE ANDA-YBARRA, Director of the EL PASO
ERO Field Office, U.S. Immigration and Customs
Enforcement;
TODD LYONS, Acting Director of the U.S.
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the U.S. Department
of Homeland Security; and
PAMELA BONDI, Attorney General of the United
States, in their official capacities,
Respondents.**

DECLARATION OF DESIREE THIEN

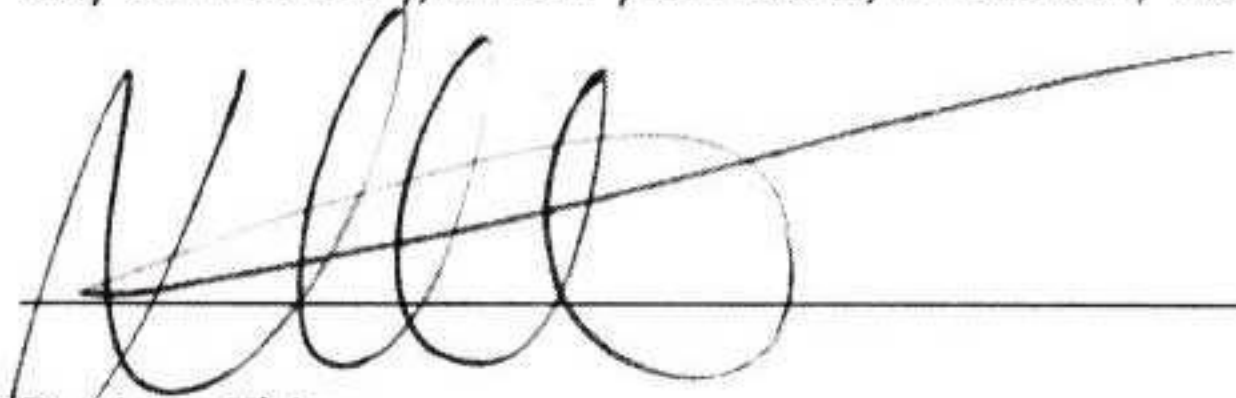
I, Desiree Thien, state that the following facts are true and accurate, based on my personal knowledge, and I am competent to testify to the truth and accuracy of the same:

1. I am representing on behalf of Mr. LANG Thanh DO, who has been detained at the Eden ICE Field Office in Eden since July 22, 2025.
2. Mr. DO is unable to submit a self-declaration in support of this filing due to his detention. I am currently not allowed to meet with him to obtain a declaration.
3. As part of my representation of Mr. DO's immigration case, I received his immigration files, which were provided to me by Mr. DO's family and additionally requested by Mr. DO's family, pursuant to the Freedom of Information Act ("FOIA").

4. Among the documents provided 180 Days Request for Release Review was sent to Headquarters Post-Order Detention Unit, U.S. Department of Homeland Security, Immigration and Customs Enforcement, 801 I Street, N.W., Suite 900, Washington, D.C.20536. A true and correct copy of this document which was received and is attached hereto as Exhibit A.

Although I requested immigration records via FOIA requests on Mr. DO's behalf, I do not have a full record of his immigration case history, and plan to supplement additional documentation on briefing, if available.


I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of February, in the year 2026, in Boston, Massachusetts.



Desiree Thien

EXHIBIT A

Desiree Thien
54 Union Street
Quincy, MA 02169

RE: Detainee: DO, Lang Thanh
A: 
Eden Detention Center
702 East Broadway
Eden, TX 76837

Wednesday January 22, 2026

Headquarters Post-Order Detention Unit
U.S. Department of Homeland Security
Immigration and Customs Enforcement
801 I Street, N.W., Suite 900
Washington, D.C.20536

Respectfully Submitted to ICE Agent,

I, next of friend and representative on behalf of detainee, request that ICE review Detainee's custody status while taking the following information into consideration, because I believe he qualify for release under an order of supervision.

Detainee has been in detention for more than 180 days after his removal order became final, and it is unlikely that he will be deported to Vietnam in the reasonably foreseeable future. Mr. Do is not a danger to public safety, and nor is he a flight risk.

Detainee entered the United States and adjusted status to Lawful Permanent Residence (RE8) as of November 23, 1990 at Dallas, Texas. His native birth country of Vietnam has not accepted his deportation, because to date travel documents have not been initiated nor successfully issued.

Detainee is not a danger to public safety because since his conviction of June 26, 2002 he has not been in troubled with the law and demonstrated strong remorse and rehabilitation by mending his wrong doings and building a new life for himself.

He is not a significant flight risk. He is grounded with strong family and community ties to Dallas. He is married to a United States citizen with a daughter and owns two lucrative businesses in the beauty industry servicing the Dallas community over three decades.

If upon granted release, Detainee will reside with his wife and daughter in Dallas to continue supporting his family through concentration and management of his two nails' spas.

Detainee is prepared to comply with all restrictions imposed on him as part of his release, including placing down secured collateral asset for guaranteed of compliance and non-flight risks, reporting to ICE as needed, and imposing a live real time monitor footwear for 24 hours tracking.

Mr. Do has cooperated with ICE's efforts to remove him from the United States by being in compliance with his Order of Supervision since his initial release. Detainee has been detained and held without charge for over six months in ICE custody while waiting for travel documents to be issued.

Detainee has demonstrated he has always been in compliance with his order and will continue to comply with all conditions placed on his release.

For these reasons, I respectfully request, on Detainee part, that he be released under an order of supervision so that he may be reunited with his family, return to lawful employment, and no longer be a financial burden to his family or society.

Thank you for your anticipated consideration and attention to the request for release.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'D. Thien', with a long horizontal line extending to the right.

Desiree Thien

54 Union Street

Quincy, MA 02169

Tel: (617) 412-1107

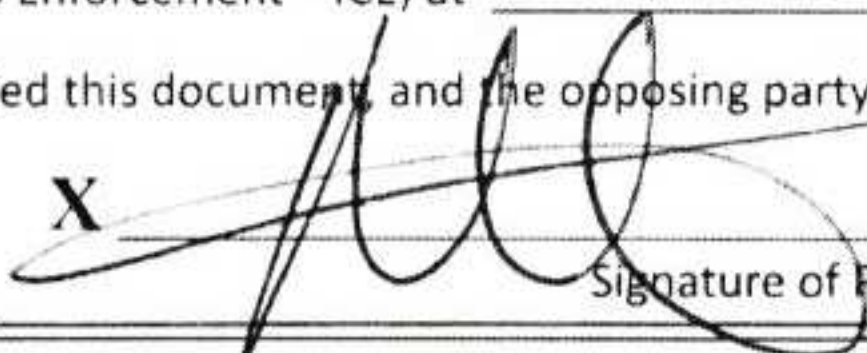
Indicate Type of Appearance: You must designate primary or non-primary unless you are appearing in an "on behalf of" capacity for another attorney for a specific hearing. Only the primary attorney/representative will receive mailings from the Immigration Court. All attorneys/representatives regardless of type of appearance are practitioners of record and are individually responsible as representatives for the respondent. Circumstances may arise that require the Immigration Court to designate a primary and/or switch service of mailings from the primary to a non-primary.

Primary Attorney/Representative Non-Primary Attorney/Representative
 On behalf of _____ (Attorney's Name) for the following hearing: _____ (Date)
 I am providing pro bono representation. Check one: yes no

Proof of Service

I (Name) DESIREE THIEN mailed, emailed or delivered a copy of this Form EOIR-28 on (Date) 02/02/2026 to the DHS (U.S. Immigration and Customs Enforcement – ICE) at EDEN, TEXAS

No service needed. I electronically filed this document and the opposing party is participating in ECAS.

 Signature of Person Serving

APPEARANCES - A practitioner of record is authorized to appear on behalf of a respondent, to file documents on behalf of a respondent, and to accept service of process of all documents filed in the proceedings before the Immigration Court. See 8 C.F.R. § 1003.17(a). An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at www.justice.gov/eoir. To perform the functions of and become the practitioner of record, the practitioner must file a separate Form EOIR-28 for each represented party in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance as a practitioner of record is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or practitioner of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings – other than for document assistance to an unrepresented or pro se respondent – are not permitted. See 8 C.F.R. § 1003.2(g)(1), 1003.38(g)(2); see also *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A Form EOIR-61, not a Form EOIR-28, is required for the entry of a limited appearance for document assistance on an application, brief, motion, or other document before the Immigration Court. A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Note: Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review, available on EOIR's website at <https://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101et seq., including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

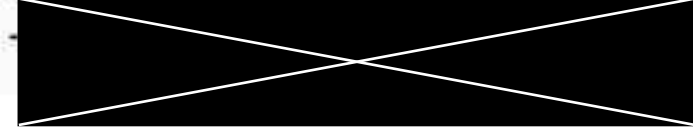
CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (304) 625-2050 or by checking online at <https://ais.eoir.justice.gov>. For further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir.

ADDITIONAL INFORMATION: If you are filing this form as a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3), please provide a statement below how you meet that criteria, including that you are appearing on an individual basis at the request of the person entitled to representation and describing your pre-existing relationship or connection to that person.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Statement of Reputable Individual Attached to EOIR-27

Desiree Thien
54 Union Street
Quincy, MA 02169



Re: Petitioner: Lang Thanh Do
A [REDACTED]
Eden Detention Center
702 East Broadway
Eden, TX 76837

Statement of Reputable Individual

Respectfully Addressed to the Honorable Judge of US District Court,

I, Desiree Thein, am a reputable individual appearing on behalf of Lang Thanh Do, who is a very closed family friend. I am providing this representation without direct or indirect payment or remuneration, as I am a person of good moral character who pursue to fight in the name of justice for my friend who is currently being detained by ICE without charge and held in deplorable conditions. I want to fight and be the voice to protect his right for due process.

I have known Mr. Do for over fifteen (15) years and can attest to his positive traits of honesty, extremely hard working, and a full-time committed family person. Both of our families belong to the same religious group and volunteers in the Vietnamese communities in Boston, Dallas, and Tampa Bay areas to assist elders and families in need during natural disaster and cultural events. Our friendship has bonded over the years and we now considered each other family. I can attest Mr. Do is a responsible individual that have utmost principle for ethical traits.

I understand the regulations for representatives before the Executive Office for Immigration Review (EOIR) and confirm my qualifications as a reputable individual under 8 C.F.R. § 1292.1(a)(3).

Declaration:

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 02/01/2026.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DT', written over a horizontal line.

Desiree Thien